

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 27th day of May 1998

B E F O R E

THE HON'BLE MR. JUSTICE S.R. BANNURMATH

L.R.R.P. No.631/1989

BETWEEN :

Leelavathi, 52 years,
W/o. Balakrishna Shetty,
R/a. Naringena village &
Post, Bantwal Taluk.

.. PETITIONER

(By Sri. A.G. Shivanna &
Sri. B. Manohar, Adv.)

AND :

1. Sharada,
W/o. Subbanna Rai,
R/o. Palthady House,
Kolthige village,
Puttur Taluk,
Dakshina Kannada.

2. Madhavadas, 45 years,
S/o. Lingappadas,
Agriculturist,
R/o. Pachanady village,
Post: Bondel,
Mangalore Taluk,
Dakshina Kannada.

.. RESPONDENTS

(By Sri. A. Mahabaleswar Bhat, Adv.)
for R2)

.. .. .

This L.R.R.P. is filed u/s.121-A of KLR
Act against the order dt.16.8.98 passed in case
No.LRA(TT).2044/86 on the file of the District
Land Reforms Appellate Authority, M'lore,
D.K. rejecting the application filed u/o.1-R-10
of CPC.

This petition coming on for hearing this day, the Court made the following:

O R D E R

In this petition, the order dated 16.08.1988 passed by the District Land Reforms Appellate Authority, Mangalore, on I.A. I filed by the petitioner is challenged. This application I.A. I was filed by the petitioner under Order-1 Rule-10 CPC seeking permission to implead herself as the appellant on the ground that the land in question has fallen to her share in a partition in the family in the year 1966. The respondent-tenant without showing her as a owner, has left her name in the application and has shown the applicant's sister Smt. Sharada as a landlord.

2. The Land Tribunal granted occupancy rights which was the subject matter of the writ petition in this Court. The writ Petition was filed by Smt. Sharada, the sister of the petitioner and after the

the Appellate Authority came into existence, the matter was transferred to it, wherein the present application has been made. The Appellate Authority rejected her application as belated one and that by impleading the petitioner, it would amount to filing of a new appeal which in turn would be hit by limitation.

3. It is to be noted that this Revision Petition is filed when the Appellate Authority was in existence and ~~by~~² the Appellate Authority was abolished by Act 18/88 dated 08.10.1990 and thereafter, the main matters have been converted into Civil Petitions and later into Writ Petitions on the application filed by the concerned parties.

4. The learned Counsel for the petitioner is not aware whether there is any such Civil Petition or Writ Petition filed against the order of the Land Tribunal in this Court. As the petition is filed for interim order, no purpose will be

be served by allowing such application at this stage. However, the petitioner is given liberty to file application in the Civil Petition or Writ Petition if already filed in this Court challenging the final order of the Land Tribunal and urge all her contentions.

5. With these observations, petition is disposed of.

Sd/-
JUDGE

BG/-

CS/-